

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 210007
ORIGIN HA-05

INFO OCT-01 ARA-10 EUR-12 ISO-00 INSE-00 IO-13 L-03
VO-05 JUSE-00 CIAE-00 INR-10 NSAE-00 CA-01 /060 R

DRAFTED BY HA/ORM:WCHRISTENSEN:CML
APPROVED BY HA/ORM - JLCARLIN
ARA/CAR - GDESANTILLANA (SUBS)
HA/HR - RCOHEN (SUBS)
INS/CO - HREBSEMAN (SUBS)

-----031950 181752Z /46

R 181556Z AUG 78
FM SECSTATE WASHDC
TO AMEMBASSY LONDON
INFO AMEMBASSY PORT AU PRINCE

LIMITED OFFICIAL USE STATE 210007

E.O. 11652: N/A

TAGS: SREF, SHUM, PINT, US, HA

SUBJECT: HUMAN RIGHTS: HAITI

REF: LONDON 12935

1. ALL INFORMATION AVAILABLE TO DEPARTMENT AND EMBASSY
IN PORT AU PRINCE AFFIRMS STATEMENT OF THE GOVERNMENT OF
HAITI IN LETTER OF FEBRUARY 15, 1977 TO THE U.S. EMBASSY
IN PORT AU PRINCE THAT THOSE CITIZENS RETURNING TO HAITI
WILL NOT BE PROSECUTED OR DETAINED FOR ILLEGAL DEPARTURE.
WHILE MONITORING OF RETURNEES IS DIFFICULT DUE TO COMMUNI-
CATIONS AND REMOTE VILLAGES OF PRINCIPALS, OBSERVATION AND
FOLLOW-UP BY CANADIAN AUTHORITIES OF ILLEGAL HAITIANS IN
CANADA RETURNED TO HAITI VERIFY THAT NONE WAS PERSECUTED,
MOLESTED OR OTHERWISE HARASSED FOR HAVING DEPARTED IL-
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 210007

LEGALLY. SUCH WAS ALSO THE CASE IN A FOLLOW-UP OF 97
HAITIANS RETURNED BY THE U.S. FROM THE U.S. NAVAL BASE IN
GUANTANAMO BAY, CUBA IN SEPTEMBER, 1977. FORTY-SEVEN OF
THE NINETY-SEVEN WERE SUBSEQUENTLY CONTACTED BY OUR
EMBASSY. NONE EXCEPT THE CAPTAIN OF THE SHIP WHICH
BROUGHT THOSE HAITIANS TO GUANTANAMO HAD BEEN ARRESTED OR
OTHERWISE EXPERIENCED HARASSMENT OR REPRISALS BY THE GOH.

THE CAPTAIN WAS ARRESTED ON WHAT AMOUNTED TO BREACH OF CONTRACT CHARGES PLACED AGAINST HIM BY SOME OF THE

NINETY-SEVEN FOR FAILURE TO TAKE THEM TO THE U.S. AFTER PAYING FINE OF 40 DOLS. HE WAS RELEASED.

2. IN ADDITION, REPORT NUMBER 19 ISSUED BY THE INTERNATIONAL COMMISSION OF JURISTS (ICJ) IN DECEMBER, 1977, COMMENTS FAVORABLY ON RECENT IMPROVEMENTS IN HAITIAN JUDICIAL PROCEDURE WHEREBY A TRIBUNAL COMPOSED OF CIVILIAN JUDGES HEARS ALL CASES CONCERNING STATE SECURITY, GUARANTEES THE RIGHT TO COUNSEL DURING INVESTIGATORY STAGES AND PROVIDES FOR PUBLIC HEARINGS.

3. REPEATED ASSURANCES TO OUR EMBASSY BY GOH THAT NO RETALIATION WILL BE TAKEN, PUBLICITY GIVEN TO SITUATION AND INCREASING AWARENESS BY GOH OF INTERNATIONAL CONCERN ALL ARGUE AGAINST PERSECUTION.

4. WE DO NOT AGREE WITH AI STATEMENT PARA 2 OF REFTTEL THAT QUOTE ALARMINGLY END QUOTE FAST RATE OF EXAMINATION RESULTS IN IMPAIRMENT OF DUE PROCESS SAFEGUARDS. ACCELERATION OF EXAMINATIONS IS LOGICAL ATTEMPT BY INS TO REDUCE BACKLOG AND IS A CONSEQUENCE OF SIGNIFICANT INCREASE IN INS EXAMINING STAFF RATHER THAN ABBREVIATION OF PROCEDURES. ALL SAFEGUARDS ARE ADEQUATELY INSURED LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 210007

AND HAITIANS ARE INFORMED OF THEIR RIGHTS AND THE AVAILABILITY OF COUNSEL.

5. IN ALL CASES WHERE REQUEST FOR ASYLUM IS MADE AND WHICH INS DEEMS EITHER WITHOUT MERIT OR DOUBTFUL, THE COMMENT OF STATE IS REQUESTED. SHOULD THERE BE DISAGREEMENT BETWEEN STATE AND INS, PROCEEDINGS FOR DEPORTATION OR EXCLUSION ARE HELD IN ABEYANCE AND CASE IS REFERRED AGAIN TO INS DISTRICT DIRECTOR, THENCE TO REGIONAL COMMISSIONER, THEN TO INS CENTRAL OFFICE. IF ORIGINAL OPINION TO DENY IS STILL UPHELD, THE APPLICANT MAY SUBMIT HIS CASE TO THE BOARD OF IMMIGRATION APPEALS FOR FINAL ADJUDICATION.

6. FROM STEPS OUTLINED ABOVE WE FEEL EVERY OPPORTUNITY IS AFFORDED THE APPLICANT FOR A FAIR AND IMPARTIAL HEARING AND THAT THE PROCEDURE BELIES THE IMPLICATION THAT INS IS RAILROADING HAITIANS OR ANYONE ELSE.

7. FYI - 102 HAITIAN BOAT CASES WERE INTERVIEWED INDIVIDUALLY AT GUANTANAMO JULY 24 AND 25 BY REPRESENTATIVES OF INS, STATE AND UNHCR. UNANIMOUS AGREEMENT BY

ALL THREE AGENCIES ON EACH CASE THAT ECONOMIC RATHER
THAN POLITICAL REASONS PROMPTED THEIR DEPARTURE RESULTED
IN RETURN OF ALL TO HAITI AFTER ASSURANCES WERE OBTAINED

BY EMBASSY FROM GOH THAT NONE WOULD BE HARASSED OR
PERSECUTED IN ANY WAY.

8. WE BELIEVE CONCURRENCE BY UN IN THIS INSTANCE IS
AN IMPORTANT AFFIRMATION OF INS AND STATE BELIEF THAT
MOST HAITIAN CASES ARE INDEED ECONOMIC RATHER THAN
POLITICAL AND THAT REFOULEMENT DID NOT APPLY.

9. WHILE NEITHER STATE NOR ANYONE ELSE CAN ASSERT WITH
ABSOLUTE CERTAINTY THAT ANYONE DENIED ASYLUM AND RE-
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 STATE 210007

TURNED TO HIS NATIVE LAND WILL NOT SUFFER PERSECUTION,
WE FEEL THAT RECENT AMNESTIES AND ASSURANCES FROM GOH,
THE CANADIAN EXERCISE, THE ICJ REPORT, INFORMATION FROM
OUR EMBASSY IN PORT AU PRINCE AND OUR OWN EXPERIENCE PRO-
VIDE SUFFICIENT GROUNDS TO WARRANT RETURNING THOSE FOUND
TO BE IN FACT ECONOMIC REFUGEES.

10. EMBASSY MAY DRAW ON ANY OF THE ABOVE FOR GUIDANCE
IN PREPARING REPLY TO SYG ENNALS. VANCE

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, POLICIES, REPATRIATION, AMNESTY
Control Number: n/a
Copy: SINGLE
Draft Date: 18 aug 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE210007
Document Source: CORE
Document Unique ID: 00
Drafter: WCHRISTENSEN:CML
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780338-0674
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780848/aaaabnpb.tel
Line Count: 145
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 8d57e360-c288-dd11-92da-001cc4696bcc
Office: ORIGIN HA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 LONDON 12935
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 01 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1692564
Secure: OPEN
Status: NATIVE
Subject: HUMAN RIGHTS: HAITI
TAGS: SREF, SHUM, PINT, US, HA
To: LONDON
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/8d57e360-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014